

## PATENT

### CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being electronically filed via EFS-WEB on November 3, 2006.

/kurt l grossman/  
Kurt L. Grossman, Reg. No. 29,799

November 3, 2006  
Date

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/713,917  
Filed: April 8, 2003  
Group Art Unit: 3763  
Examiner: Laura Bouchelle  
Applicant: Joseph P. McGurk  
Title: **SAFETY NEEDLE AND CATHETER ASSEMBLY**  
Attorney Docket: MDXVA-21US (formerly END-875)  
Confirmation No.: 4436

Cincinnati, Ohio 45202

November 3, 2006

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### **NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS (37 C.F.R. § 1.191)**

Applicant hereby appeals to the Board of Appeals from the decision of the Primary Examiner mailed August 9, 2006, which rejected claims 1-13 a second time.

The item(s) checked below are appropriate:

1. Status of Applicant

This application is on behalf of

☒ other than a small entity.  
☐ a small entity.

2. Fee for Filing Notice of Appeal

Pursuant to 37 C.F.R. § 1.17(b), the fee for filing the Notice of Appeal is:

<input type="checkbox"/>	small entity	\$250.00
<input checked="" type="checkbox"/>	other than a small entity	\$500.00
	Notice of Appeal fee due	<u>\$500.00</u>

Extension of Term

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(a)\_ Applicants petition for an extension of time under 37 C.F.R. § 1.136 for the total number of months checked below:

	Extension (months)	Fee for other than small entity	Fee for small entity
___	one month	\$ 120.00	\$ 60.00
___	two months	\$ 450.00	\$225.00
___	three months	\$1,020.00	\$510.00
___	four months	\$1,590.00	\$795.00
___	fifth month	\$2,160.00	\$1,080.00

Fee \_\_\_\_\_

\_\_\_ Attached is a check in the amount of \$\_\_\_ for the three month extension fee as required by 37 C.F.R. § 1.17(c). If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

\_\_\_ An extension for \_\_\_ months has already been secured and the fee paid thereof of \$\_\_\_ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$\_\_\_\_\_.

**OR**

(b) X Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

3. Total Fee Due

The total fee due is:

Notice of Appeal fee \$500.00.  
Extension fee (if any) \_\_\_\_\_.

Total Fee due \$500.00

4. Fee Payment

\_\_\_ Attached is a check is the sum of \$\_\_\_\_\_.

\_\_\_ The Commissioner is hereby authorized to charge the amount of \$\_\_\_\_\_ for the appeal fee to Deposit Account No. 23-3000.

X The appeal fee in the amount of \$500.00 is being submitted concurrently with this communication by credit card payment.

5. Fee Deficiency

X Charge any additional fee required or credit any overpayment to Deposit Account No. 23-3000. A duplicate of this Notice is attached.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P

By: /kurt l. grossman/  
Kurt L. Grossman, Reg. No. 29,799

2700 Carew Tower  
441 Vine Street  
Cincinnati, OH 45202  
(513) 241-2324 (voice)  
(513) 241-6234 (facsimile)